

Message Text

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70

ORIGIN EB-07

INFO OCT-01 EUR-12 IO-10 ISO-00 L-03 TRSE-00 COME-00

CIAE-00 INR-07 NSAE-00 AF-06 ARA-06 EA-07 NEA-10

FTC-01 JUSE-00 /070 R

DRAFTED BY EB/IFD/OIA:WWITTING:ME

APPROVED BY IO:CMD:PDWYMAN

L:MFELDMAN (SUBS)

TREASURY:SALTHEIM

O/CMD:WWWOODBURY

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P R 171924Z OCT 75

FM SECSTATE WASHDC

TO USMISSION USUN NEW YORK PRIORITY

INFO USMISSION EC BRUSSELS

USMISSION OECD PARIS

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E.O. 11652: N/A

TAGS: EINV, UN

SUBJECT: 30TH UNGA - AGENDA ITEM 12, TRANSNATIONAL CORPO-
RATIONS

REF: (A) USUN 5053; (B) STATE 243872; (C) WITTING-BAKER

TELCON 10/16

1. AS INDICATED REF TELCON, WE ARE CONCERNED LEST UNGA
RESOLUTION ON BRIBERY ADDRESS ITSELF ONLY TO TRANSNATIONAL
ENTERPRISES, IMPLYING THAT NATIONAL ENTERPRISES DO NOT
ENGAGE IN SIMILAR PRACTICES. HENCE, INITIAL US DRAFT
RESOLUTION SHOULD OMIT ANY REFERENCE TO "TRANSNATIONAL,"
IN THE TITLE AS WELL AS IN THE BODY OF THE RESOLUTION,
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ADDRESSING "ENTERPRISES" IN GENERAL INSTEAD.

2. IN PARTICULAR, WE CANNOT AGREE TO SINGLING OUT OF TRANSNATIONALS IN OPERATIVE PORTION OF RESOLUTION. THEREFORE, SHOULD ANYONE SUGGEST THAT "TRANSNATIONAL" BE INSERTED IN OPERATIVE PARA. 1 OF OUR DRAFT, USDEL SHOULD POINT OUT THAT, IN SO DOING, WE WOULD BE IMPLICITLY CONDONING SIMILAR PRACTICES BY NON-TRANSNATIONAL ENTERPRISES, AND INDICATE THAT REFERENCE HERE TO "ENTERPRISES" IN GENERAL OR "TRANSNATIONAL AND OTHER ENTERPRISES" IS BASIC CONDITION FOR US SUPPORT OF RESOLUTION.

3. BRIBERY ISSUE WAS DISCUSSED AT LENGTH IN OECD IN CONNECTION WITH GUIDELINES FOR TNES. EUROPEANS STRONGLY FELT THAT ANY IMPLICATION THAT TNES ARE MORE LIKELY TO COMMIT BRIBERY THAN DOMESTIC FIRMS IS UNTENABLE. IN NEGOTIATIONS ON THIS UN RESOLUTION, US DEL SHOULD WORK CLOSELY WITH EUROPEAN DELEGATIONS IN ASSURING THAT SUCH IMPLICATION IS AVOIDED. INGERSOLL

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Message Attributes

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